

1 LAURA E DUFFY  
2 United States Attorney  
3 WILLIAM P. COLE/CAROLINE P. HAN  
4 Assistant U.S. Attorneys  
5 California Bar No.: 186772/250301  
6 STEVEN P. WARD  
7 Trial Attorney  
8 D.C. Bar No. 395410  
9 880 Front Street, Room 6293  
10 San Diego, CA 92101  
11 Tel: (619) 546-6762/6968  
12 Fax: (619) 546-0631  
13 Email: william.p.cole@usdoj.gov  
14 caroline.han@usdoj.gov

15 Attorneys for the United States

16 **UNITED STATES DISTRICT COURT**  
17  
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 BASAALY SAEED MOALIN (1),  
23 MOHAMED MOHAMED  
24 MOHAMUD (2),  
25 ISSA DOREH (3),  
26 AHMED NASIR TAALIL  
27 MOHAMUD (4)

28 Defendants.

Case No.: 10CR4246-JM

**RESPONSE TO DEFENDANTS'  
MOTION TO CONTINUE  
SENTENCING AND FOR A  
SCHEDULING ORDER**

29 Defendants have jointly moved to continue their sentencing hearings to  
30 September 30, 2013, and for a scheduling order to file motions for a new trial. The

United States has no objection to the proposed continuance or the proposed scheduling order.<sup>1</sup> However, the United States has filed this response (rather than joining in defendants' motion) because the United States does not join the defendants' description of their anticipated new trial motion or its subject matter, instead preferring to address any factual or legal issues surrounding the anticipated motion once the United States has had an opportunity to review it.<sup>2</sup>

DATED: August 30, 2013

Respectfully submitted,

LAURA E. DUFFY  
United States Attorney

/s/William P. Cole  
WILLIAM P. COLE  
CAROLINE P. HAN  
Assistant United States Attorneys  
STEVEN P. WARD  
Trial Attorney

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<sup>1</sup> If the Court grants defendants' motion and proposed briefing schedule, the United States has every intention of complying with that briefing schedule. Nevertheless, because the United States has not yet seen the defendants' motion, it may, potentially, need more than 13 day to file an appropriate response. If the United States believes that it cannot appropriately respond within 13 days, it will promptly raise the matter with the Court.

<sup>2</sup> With respect to the Joint Motion to Continue Sentencing and For a Scheduling Order, filed August 28, 2013 (Docket No. 338), the United States notes that, although its intention was to join in the proposed briefing schedule set forth in that motion, it did not have an opportunity to review the language of the joint motion before it was filed. The United States would not have joined lines 21 through 25 of that joint motion, as written. In so noting, however, the United States does not seek to suggest, in any way, that the defendants acted with any improper purpose or intent in filing the joint motion, but rather only that the parties did not have the opportunity to communicate sufficiently on the joint motions' language.